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11 UNUM PROVIDENT CORPORATION and
12 PROVIDENT LIFE & ACCIDENT
13 INSURANCE COMPANY

E-FILED ON 7/5/05

14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

16 **SAN JOSE DIVISION**

17 CYNTHIA MENDEZ,

18 Plaintiff,

19 vs.

20 UNUM PROVIDENT CORPORATION;
21 PROVIDENT LIFE & ACCIDENT
22 INSURANCE COMPANY,

23 Defendants.

24) Case No. C04 01312 JW

25)
26) **STIPULATED REQUEST FOR AN**
27) **ORDER SHORTENING TIME FOR**
28) **A MOTION FOR PROTECTIVE**
29) **ORDER REGARDING STEPHEN**
30) **PRATER'S EXPERT DEPOSITION**
31) **FEES**

32) **AND ORDER**

1 Plaintiff Cynthia Mendez and defendants UnumProvident Corporation and Provident Life &
2 Accident Insurance Company, through their counsel of record, stipulate to an order shortening time
3 for the Court to hear a motion for a protective order regarding Stephen Prater's demand to be paid
4 \$485 per hour for deposition testimony (or \$550.00 if videotaped).

5 This stipulated request for an order changing time is made pursuant to LR 6-2. Plaintiff
6 designated Stephen Prater as an "expert in insurance claims handling procedures." Defendants
7 believe Prater's hourly deposition rate is not reasonable as required by FRCP 26. Plaintiff does not
8 agree with defendants' contention.

9 The parties previously stipulated to continue the discovery cut-off date to take the deposition
10 of Stephen Prater. The deposition of Prater will be scheduled for late July 2004. Granting this
11 stipulated request will not affect the schedule for the case.

12 Defendants request to have a motion for protective order heard before the deposition. In this
13 manner, the court may determine what constitutes a reasonable fee for this expert's deposition before
14 the deposition commences.

15 The parties agree that defendants's motion for protective order may be heard on either July 12
16 or July 26, 2005. Mr. Rubin requests permission to attend the hearing telephonically.

17
18 KELLY, HERLIHY, & KLEIN LLP

19
20 Dated: June 30, 2005

By _____
John T. Burnite
Attorneys for Defendants
UNUMPROVIDENT CORPORATION and
PROVIDENT LIFE & ACCIDENT
INSURANCE COMPANY

21
22
23
24 BOHN & BOHN

25 Dated: June ___, 2005

26 By: _____
Robert Bohn
Attorney for Plaintiff
CYNTHIA MENDEZ

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19

20 Dated: June 30, 2005

By _____

21 John T. Burnite
22 Attorneys for Defendants
23 UNUMPROVIDENT CORPORATION and
24 PROVIDENT LIFE & ACCIDENT
25 INSURANCE COMPANY

26

27

28 Dated: June 30, 2005

By: _____

Robert Bohn
Attorney for Plaintiff
CYNTHIA MENDEZ

-2-

STIPULATED REQUEST FOR AN ORDER SHORTENING TIME FOR A MOTION FOR PROTECTIVE ORDER
RE EXPERT WITNESS FEE

-2-

Case No. C04 01312 JW

FRIEDMAN, RUBIN & WHITE

3 Dated: June 30, 2005

2 By 
3 Jeffrey K. Rubin
4 Attorney for Plaintiff
5 CYNTHIA MENDEZ

6
7 ORDER
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9 In consideration of the stipulated request for an order shortening time, it is hereby ordered
10 that:

11 Defendants' motion for protective order regarding a reasonable fee for Stephen D. Prater's
12 deposition is scheduled for hearing on July 26, 2005, 10:00 a.m. in Courtroom 2. Mr. Rubin may
13 attend by telephone. The motion shall be filed and served on July 8, 2005; any opposition is due
14 July 12, 2005; any reply is due on July 15, 2005.

15
16 IT IS SO ORDERED.

17 July

18 Dated: xxxx 5, 2005

/s/ Howard R. Lloyd

19 Magistrate Judge of the United States District Court
Northern District of California

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- 3 -
STIPULATED REQUEST FOR AN ORDER SHORTENING TIME FOR A MOTION FOR PROTECTIVE ORDER
RE EXPERT WITNESS FEE

Case No. C04 01312 JW